

OREGON BOARD OF MEDICAL EXAMINERS

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REGARDING MEDICAL MARIJUANA AND OREGON STATE LAW

Before the United States House of Representatives

Committee on Government Reform

Subcommittee on Criminal Justice, Drug Policy and Human Resources

Rep. Mark E. Souder, Chair

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TESTIMONY of James D. Scott, M.D., Roseburg, Ore.
Member and Past Chair, Oregon Board of Medical Examiners

The Oregon Board of Medical Examiners (BME) was created by the state Legislature in 1889, to regulate the practice of medicine. The Board's mission is to protect the health, safety and welfare of Oregon's citizens by regulating the practice of medicine in a manner that promotes quality care.

The Board is governed by, and enforces, the Oregon Medical Practice Act (Oregon Revised Statutes [ORS] Chapter 677) and related Oregon Administrative Rules (OAR Chapter 847). The Board conducts investigations, imposes disciplinary actions and supports rehabilitation, education and research to further its legislative mandate to protect the citizens of Oregon.

In 1998, Oregon voters adopted the Oregon Medical Marijuana Act. This act creates an exception to state criminal laws by permitting certain individuals to possess, produce and use small amounts of marijuana which may mitigate a disabling medical condition. The Oregon Health Services Division was assigned rulemaking authority necessary for the implementation and administration of this Act.

To qualify for protection provided by the law, the patient must have applied for or have a Registry Identification Card. To obtain this card, the patient is required to have **written documentation** from the attending physician, stating that the patient has a qualifying disabling medical condition. "Attending physician" means a physician, licensed under the Oregon Medical Practice Act, who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.

The Board of Medical Examiners is responsible for verifying that physicians are licensed to practice in Oregon with no restrictions that would legally prevent them from signing an Attending Physician's Statement regarding medical marijuana. The Oregon Medical Marijuana Program requests such verification from BME licensing and investigative staff.

No one representing the Oregon Board of Medical Examiners is prepared to give any testimony regarding the scientific or medicinal value of marijuana, or any sociopolitical issues regarding marijuana. These issues are beyond our jurisdiction.

Our Board's role is to ensure that marijuana is recommended for medicinal use through the same practice of medicine as any other controlled substance. In Oregon, physicians are required to verify patient identities, review previous patient medical records, collect current histories, perform thorough in-person physical examinations, reach diagnoses and recommend treatment plans. We also recommend discussions with patients regarding the benefits and risks of such treatment plans. Physicians are required to have complete, accurate patient records.

Our Board has disciplined an Oregon physician who signed Attending Physician Statements for the use of medical marijuana without following the aforementioned procedures. The Board makes no distinction between medical marijuana and any other controlled substance. Physicians have, and will continue to be, investigated and disciplined for inappropriate prescribing of all controlled substances, regardless of the nature of the drugs in question.

The Oregon Board of Medical Examiners has made no policy statement, formally or informally, on the use of marijuana for medical purposes. The state's voters and Legislature approved the medical use of marijuana without the approval of the U.S. Food and Drug Administration, which has stringent requirements for scientific testing, approval, manufacture and dispensing of legal drugs.

The people of Oregon have determined through the process of law that using marijuana for medicinal purposes is part of the standard of care for the state's doctors. The Board of Medical Examiners is responsible for seeing that all standards of care, all laws of the land, are strictly and fairly enforced.

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